
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

AKORN HOLDING COMPANY LLC, *et al.*¹
Debtors.

Chapter 7
Case No. 23-10253 (KBO)
(Jointly Administered)

LISHA ABRAHAM, SUSAN BERRY and
BENJAMIN SUMMERS on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

AKORN OPERATING COMPANY LLC,
AKORN INTERMEDIATE
COMPANY LLC and AKORN HOLDING
COMPANY LLC

Defendants.

Adversary Proceeding No.: 23-50117-KBO

Objection Deadline:
November 13, 2024 at 4:00 p.m. ET

Hearing Date:
November 20, 2024 at 9:30 a.m. ET

**JOINT MOTION FOR AN ORDER AUTHORIZING THE PARTIES TO FILE
UNDER SEAL SCHEDULE 1 TO THE SETTLEMENT AGREEMENT**

Plaintiffs Lisha Abraham, Susan Berry and Benjamin Summers (the “Plaintiffs” or the “Proposed Class Representatives”), together with George L. Miller, in his capacity as the chapter 7 trustee (the “Trustee” and together with the Plaintiffs, the “Parties”) for the bankruptcy estates (the “Estates”) of debtors Akorn Operating Company LLC, Akorn Intermediate Company LLC and Akorn Holding Company LLC (collectively the “Debtors”) by and through their respective

¹ The Debtors in these chapter 7 cases, along with the last four digits of their federal tax identification numbers, and cases numbers are Akorn Holding Company LLC (9190), Case No. 23-10253 (KBO); Akorn Intermediate Company LLC (6123), Case No. 23-10254 (KBO); and Akorn Operating Company LLC (6184), Case No. 23-10255 (KBO). The Debtors’ headquarters is located at 5605 CenterPoint Court, Gurnee, IL 60031.

counsel, submit this Joint Motion for an Order authorizing the Parties to submit under seal Schedule 1 to the *Settlement, Release and Allowance of Claim Agreement* (the “Settlement Agreement”) which is annexed to the Parties’ Joint Memorandum of Law in Support of their *Joint Motion Pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rules 9019 and 7023 to: (I) Approve the Settlement Agreement Pursuant to Bankruptcy Rule 9019, (II) Preliminarily Approve the Settlement Agreement Pursuant to Bankruptcy Rule 7023, (III) Certify the WARN Class for Settlement Purposes, Including the Appointment of Class Counsel and the Class Representatives, (IV) Approve the Form and Manner of Notice to Class Members of the Settlement, (V) Schedule a Fairness Hearing to Consider Final Approval of the Settlement Agreement, (VI) Finally Approve the Settlement Agreement Following the Fairness Hearing, and (VII) Grant Related Relief* (the “Joint Motion”)² filed contemporaneously herewith, and respectfully represent as follows:

Relief Requested

Schedule 1 to the Settlement Agreement contains confidential employment information and sensitive personal information concerning the Class Members (as defined in the Joint Motion), including, *inter alia*, their names, addresses, and settlement amounts based on their wages (the “Employment Information”). As such, the Parties request that the Bankruptcy Court issue an order authorizing the Parties to file Schedule 1 to the Settlement Agreement under seal to protect the privacy of the Class Members by preventing the unnecessary disclosure of the Employment Information to the public at large.

Public disclosure of the Employment Information poses an unnecessary risk to the Class

² Capitalized terms not otherwise defined in this Motion shall have the meanings given in the Memorandum of Law in support of the Joint Motion, and of the Settlement Agreement, as applicable.

Members, and serves no useful purpose as the Joint Motion, which is available for public review, contains the relevant information related to the Settlement. Additionally, each Class Member will receive a personalized notice (once approved by the Bankruptcy Court), which will describe the essential terms of the Settlement Agreement, and which will contain their individualized projected net settlement amount(s), after the deduction of the Class Representative Service Payments, Class Counsel's Fees and Class Counsel's Expenses.

WHEREFORE, the Parties respectfully request that this Court enter an order, substantially in the form attached hereto: (i) authorizing the filing of Schedule 1 to the Settlement Agreement under seal; and (ii) granting such other and further relief as may be just and proper.

Dated: October 18, 2024

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